

CT Egh #2

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                           |
|--------------------------|---|---------------------------|
| -----                    | X |                           |
|                          | : |                           |
| UNITED STATES OF AMERICA | : |                           |
|                          | : | CONSENT PRELIMINARY ORDER |
| - v. -                   | : | OF FORFEITURE /           |
|                          | : | <u>MONEY JUDGMENT</u>     |
| JAMES ANDREW STILES,     | : |                           |
|                          | : | 23 Cr. 098 (RA)           |
| Defendant.               | : |                           |
| -----                    | X |                           |

WHEREAS, on or about February 21, 2023, JAMES ANDREW STILES (the “Defendant”), with another, was charged in a seven-count Indictment, 23 Cr. 098 (RA) (the “Indictment”), with: conspiracy to commit wire fraud and securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); and securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5 (Counts Two through Seven);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Seven of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of all property real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Seven of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Seven of the Indictment;

WHEREAS, on or about April 3, 2024, the Defendant pled guilty to Count Four of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Four of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,

United States Code, Section 2461(c), a sum of money equal to \$531,778.27 in United States currency, representing the proceeds traceable to the offense charged in Count Four of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$531,778.27 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Alex Rossmiller of counsel, and the Defendant, and his counsel, Phyllis A. Malgieri, Esq., that:

1. As a result of the offense charged in Count Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$531,778.27 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, JAMES ANDREW STILES, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

8. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: 

ALEX ROSSMILLER  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2415

3/15/24  
DATE

JAMES ANDREW STILES

By: 

JAMES ANDREW STILES

3/28/24  
DATE

By: 

PHYLLIS A. MALGIERI, ESQ.  
Attorney for Defendant  
Fischetti & Malgieri LLP  
565 5th Avenue, 7th Floor  
New York, NY 10017

March 18, 2024  
DATE

SO ORDERED: 

HONORABLE RONNIE ABRAMS  
UNITED STATES DISTRICT JUDGE

April 3, 2024  
DATE